

EXHIBIT L

RELEASE OF CRIMINAL DETAINEES BY U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT: POLICY OR POLITICS?

HEARING

BEFORE THE

COMMITTEE ON THE JUDICIARY

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Mr. MORTON. But what you are getting at is—if your question is do I have enough people, do I have enough resources to detain and remove 11 million people, the answer is no.

Mr. BACHUS. No, no. My question is perhaps are you overusing detention.

Mr. MORTON. At the beginning of the year, we were maintaining a higher level of detention than we were appropriated for over an annual—

Mr. BACHUS. No, no. Let's not talk about dollars and cents. Let's talk about individuals who are being detained. Surely instead of doing a cost analysis, why do you not do a risk assessment on that population, those being detained? How many of them could be released to family members? How many of them periodically would check in, even some maybe GPS? Although I would think that there are ties with the United States. You know, we have got some that have been adopted as children. I do not think they are going to run away. Are some of those mandatory detentions that you could recommend to Congress they not be?

I am just saying it looks to me like maybe there is an overuse of detention by this Administration. Now, I know that totally—would you agree? Okay. If these people are not public safety risks, if they are not violent, if they do not have a criminal history, if they are not repeat offenders, if they are going to show up for proceedings, why are they detained at all? I mean, surely out of this 26,000, you could have found 3,000 or 4,000 that—are there not 3,000 or 4,000 that would not—

Mr. MORTON. I think your basic sentiment, which is detention should be made based on risk of flight and—

Mr. BACHUS. Well, public policy, and that ought to be risk of flight, you know, violent offenders. I consider DUI's—I would say DUI.

But what I am saying—this almost to me is that you are saying we have got too many people in detention.

Mr. GOODLATTE. Would the gentleman yield?

Mr. BACHUS. Yes.

Mr. GOODLATTE. In the report prepared by the Committee staff, there is a statistic in there that shows that 770,000 people who were released did not return for their deportation—

Mr. BACHUS. I understand that, but I would say this. You could look at most of those people and there are predictors of whether you—

Mr. GOODLATTE. We are trying to deport them. If you release them and they never show up for their deportation proceeding, they are probably not getting deported.

Mr. BACHUS. Well, what I am saying—and I am not arguing, but if I accept—and I think most of these people are probably not going to go back. If they do go back, they are coming back legal or illegal.

What the Chairman is saying is that 40 percent of those people that are not detained in the first place do not reappear for their removal hearing. And you know, include someone that does not show up—you know, maybe detain them. But if they were never released or if they were released and showed back up and they are not a flight risk and they are not a threat to public safety—and I